

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America

v.

Everardo Rodriguez Herrera

JUDGMENT IN A CRIMINAL CASE

CR-23-02117-001-TUC-RM (MAA)

Angeles Ellis (AFPD)
Attorney for Defendant

USM#: 86559-510

ICE# A243-150-161

THE DEFENDANT ENTERED A PLEA OF guilty on May 1, 2024, to Count 3 of the Indictment.

ACCORDINGLY, THE COURT HAS ADJUDICATED THE DEFENDANT GUILTY OF THE FOLLOWING OFFENSES: violating 18 U.S.C. § 933(a)(2) and 18 U.S.C. § 933(b): Trafficking in Firearms, a Class C felony offense, as charged in Count 3 of the Indictment.

IT IS THE JUDGMENT OF THE COURT the defendant be committed to the custody of the Bureau of Prisons for a term of **FOURTEEN (14) MONTHS** with credit for time served. Upon release from imprisonment, the defendant will be placed on supervised release for a term of **TWO (2) YEARS**.

IT IS ORDERED DISMISSING the remaining counts in the Indictment on motion of the government.

IT IS FURTHER ORDERED DISMISSING the forfeiture allegation.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: REMITTED FINE: WAIVED RESTITUTION: N/A

On motion of the government, the special assessment is REMITTED.

The Court **FINDS** the defendant does not have the ability to pay a fine and **ORDERS** the fine waived.

SUPERVISED RELEASE

IT IS ORDERED while on supervised release, the defendant must comply with the mandatory and standard conditions of supervision as adopted by this Court, in General Order 17-18, which incorporates the requirements of USSG §§ 5B1.3 and 5D1.2. Of particular importance, the defendant must not commit another federal, state, or local crime during the term of supervision. Within 72 hours of release from the custody of the Bureau of Prisons the defendant must report in person to the probation office in the district to which the defendant is released **if not deported**.

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The defendant must comply with the following conditions:

MANDATORY CONDITIONS

- 1) You must not commit another federal, state or local crime.
- 2) You must not unlawfully possess a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted.
- 3) You must refrain from any unlawful use of a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted. Unless suspended by the Court, you must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

STANDARD CONDITIONS

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of sentencing or your release from imprisonment unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

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- 7) You must work full time (at least 30 hours per week) at a lawful type of employment unless the probation officer excuses you from doing so. If you do not have full-time employment, you must try to find full-time employment unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the Court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13) You must follow the instructions of the probation officer related to the conditions of supervision.

SPECIAL CONDITION

The following special condition is in addition to the conditions of supervised release or supersede any related standard conditions: if deported, you must not reenter the United States without legal authorization.

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The Court may change the conditions of supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of supervised release.

THE COURT FINDS you have been sentenced in accordance with the terms of the plea agreement and have waived your right to appeal and to collaterally attack this matter. The waiver has been knowingly and voluntarily made with a factual basis and with an understanding of the consequences of the waiver.

The Court **ORDERS** commitment to the custody of the Bureau of Prisons.

Date of Imposition of Sentence: **September 26, 2024**

Dated this 26th day of September, 2024.



Honorable Rosemary Márquez
United States District Judge

RETURN

I have executed this Judgment as follows:

defendant delivered on _____ to _____ at _____, the institution
designated by the Bureau of Prisons with a certified copy of this judgment in a Criminal case.

United States Marshal

By:

Deputy Marshal